



Division:	Human Resources (HR)
Title:	Standard Operating Procedures
Procedure:	GRIEVANCE – DIRECTIVE III-9, PERFORMANCE RATING DISPUTE
Original Effective Date:	01/01/07
Revised Effective Date:	01/01/07

## Performance Rating Dispute Process Guidelines

### Step 1: Review by the Division/Facility/School Director

An employee may file a complaint if he/she disagrees with an overall performance rating of less than Outstanding. All appeals must be received by division/facility/school Human Resources Office on the [DHHS Filing Form PRD-1](#), Performance Rating Dispute Complaint Form, within fifteen (15) calendar days from receipt of the final overall performance rating form, which bears the signatures of all required management/supervisory chain. A copy of the appeal must be submitted to the division/facility/school director and immediate supervisor. All complaints should bear the HR date stamp to acknowledge the receipt date. The division/facility/school director may delegate the review to a designee. The director shall issue a decision in writing to the employee within fifteen (15) calendar days of the date the complaint was received by the Human Resources office. In no case shall a complaint remain unanswered for more than sixty (60) days from its initial receipt.

### Step 2: Review by Department Performance Review Board

A complaint must be received by the division/facility/school HR Office on the [DHHS Filing Form PRD-1](#), Performance Rating Dispute Complaint within fifteen (15) calendar days from the date the employee received or should have received the division/facility/school director's Step 1 decision. Within ten (10) calendar days of receipt of the Step 2 complaint, the division/facility/school HR Manager/ER Specialist will forward the complaint, along with the division/facility/school management's response, and all supporting documents to the Central Employee Relations Section, using the Performance Rating Dispute Management Response form, [DHHS Filing Form PRD-2](#).

### Step 3: Final Decision by DHHS Secretary

The Secretary has the authority to accept or modify the Performance Review Board's recommendation or to adopt a different decision. The Secretary's decision must be issued in writing within thirty (30) calendar days from receipt of the date of the board's recommendation. The Secretary's decision is the final agency decision and is not subject to further administrative or judicial review or appeal within or outside the Department.

### WEBSITE RESOURCES:

DHHS Directive III-9, Performance Rating Dispute Process  
<http://info.dhhs.state.nc.us/olm/manuals/oos/dir/man/DirIII-09a.htm>

State Personnel Policy, Internal Performance Pay Dispute Resolution Procedures  
<http://www.osp.state.nc.us/manuals/manual99/dispute.pdf>